

FISCAL NOTE

Bill #: SB0416

Title: Revise laws governing appropriation of water

Primary Sponsor: Barkus, G

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$21,540	\$21,540
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	(\$21,540)	(\$21,540)

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Judicial Branch

1. SB 416 suspends Department of Natural Resources and Conservation's authority to issue water appropriation permits, approve appropriation changes and transfers, and prevents Fish, Wildlife and Parks from leasing rights for purposes of enhancing stream flows in certain water basins until the Water Courts have made final judgment on the reserved water rights.
2. There is no fiscal impact to the Judicial Branch.

Department of Justice

3. It is assumed that the provisions of HB 416 will be challenged by the Confederated Salish and Kootenai Tribes (Flathead Reservation). The Attorney General would be called on to defend such a challenge.
4. The challenge would likely be brought as an original action in the Montana Supreme Court.
5. Defending the challenge would require approximately 300 hours of attorney time to research, brief and argue the case before the Court. Agency Legal Services, which bills at \$71.80/hour, would be responsible for the defense at a cost of \$21,540.
6. If the decision of the Montana Supreme Court was appealed, and the United States Supreme Court accepted cert, an additional cost of \$21,540 would be required.

Fiscal Note Request SB0416, As Introduced
(continued)

FISCAL IMPACT:

Department of Justice Agency Legal Services	FY 2004 <u>Difference</u>	FY 2005 <u>Difference</u>
<u>Expenditures:</u>		
Personal Services	\$21,540	\$21,540
 <u>Funding of Expenditures:</u>		
General Fund (01)	\$21,540	\$21,540
 <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$21,540)	(\$21,540)